

1 A bill to be entitled
2 An act relating to the South Broward Hospital
3 District, Broward County; amending ch. 2004-397, Laws
4 of Florida, as amended; authorizing the Board of
5 Commissioners of the South Broward Hospital District
6 to attend a regular, committee, or special meeting or
7 workshop by, or conduct the meeting through the use
8 of, any means of communication media technology;
9 authorizing the delivery of certified copies of
10 resolutions levying taxes in accordance with the
11 requirements of general law; authorizing the board of
12 commissioners to encumber specified real and personal
13 property; authorizing the board of commissioners to
14 acquire, own, establish, develop, construct, lease,
15 equip, operate, manage, and maintain specified
16 hospitals, facilities, and programs within and outside
17 district boundaries for certain purposes; providing
18 legislative findings; providing an exception to
19 general law; authorizing the board to determine the
20 location and legal form and structure of such
21 hospitals, facilities, and programs; providing
22 requirements for such legal form and structure;
23 providing legislative intent; providing that ad
24 valorem taxes and non-ad valorem special assessments
25 be expended only within the boundaries of the

26 | district; prohibiting the district from expending such
 27 | funds outside the boundaries of the district;
 28 | providing severability; providing construction;
 29 | providing an effective date.

30 |

31 | Be It Enacted by the Legislature of the State of Florida:

32 |

33 | Section 1. Sections 4, 5, 7, and 28 of section 3 of
 34 | chapter 2004-397, as amended, are amended to read:

35 | Section 4. (1) The Board of Commissioners of the South
 36 | Broward Hospital District shall have all of the following
 37 | governmental, corporate, and proprietary powers:

38 | (a) To enable the board of commissioners to provide any
 39 | and all types of health care facilities, equipment, and services
 40 | and any and all types of facilities, equipment, and services
 41 | related or incidental thereto, directly or indirectly, whether
 42 | alone, or in conjunction with other public or private persons,
 43 | not for profit or for profit.

44 | (b) To sponsor, with any form of assistance not expressly
 45 | prohibited by the State Constitution, the formation,
 46 | organization, capitalization, and operation of public or private
 47 | persons, not for profit or for profit, providing or intending to
 48 | provide any types of health facilities, equipment, and services
 49 | or any facilities, equipment, or services related or incidental
 50 | thereto, and to provide, from assets and resources then owned by

51 the district, or assets and resources specifically acquired for
52 the purpose, goods and services to such persons by sale, lease,
53 contract, grant, gift, or otherwise upon such terms and
54 conditions as the board of commissioners may determine in its
55 sole discretion are in the public interest.

56 (c) To restructure and reorganize all or part of the
57 assets, liabilities, and operations of the district into such
58 public or private persons, not for profit or for profit, as the
59 board of commissioners may in its sole discretion determine are
60 in the public interest and are not expressly prohibited by the
61 State Constitution, whether for the purpose of having such
62 persons conduct operations previously conducted by the district
63 or having such persons conduct operations which the district has
64 the power to conduct directly but has not undertaken directly.

65 (d) Without limiting the generality of the foregoing, to
66 exercise all of the powers of a corporation organized pursuant
67 to chapter 607, Florida Statutes.

68 (e) To establish and maintain, or to sponsor the
69 establishment and maintenance, directly or indirectly, alone or
70 in conjunction with other public or private persons, not for
71 profit or for profit, with any form of assistance from the
72 district not expressly prohibited by the State Constitution,
73 health maintenance organizations or services, preferred provider
74 organizations or services, programs for cost containment, health
75 insurance, or indemnity benefit systems, service benefit

76 | systems, and any other organization or system that provides, or
 77 | arranges for the provision of, health care services or otherwise
 78 | pays for, or protects residents and nonresidents of the district
 79 | against, the costs of health care services.

80 | (f) To sue and be sued under the name of South Broward
 81 | Hospital District.

82 | (g) To contract and be contracted with.

83 | (h) To adopt and use a common seal and to alter the same
 84 | at pleasure.

85 | (i) To acquire, purchase, hold, encumber, lease, and
 86 | convey such real and personal property as the board deems proper
 87 | or expedient.

88 | (j) To appoint and employ a superintendent or
 89 | administrator and such other agents and employees as the board
 90 | deems advisable.

91 | (k) To borrow money and to issue the notes, bonds, and
 92 | other evidences of indebtedness of the district therefore to
 93 | carry out the provisions of this act in the manner hereinafter
 94 | provided.

95 | (2) The provisions of this act shall be so construed as to
 96 | secure and extend to the board of commissioners all powers,
 97 | whether governmental, corporate, or proprietary, not expressly
 98 | prohibited by the State Constitution and to remove any
 99 | limitations judicially imposed or otherwise. No person whom the
 100 | district sponsors, or with whom the district contracts, or to

101 | whom the district sponsors, or with personal property, goods, or
102 | services, by contract, lease, sales, grant, gift, or otherwise,
103 | shall be deemed an agency of the district. It is hereby found
104 | and declared to be a public purpose and necessity for the
105 | preservation of the public health and for public use and for the
106 | welfare of the district and the residents thereof that the board
107 | of commissioners of the district have the broadest possible
108 | power to provide and structure health facilities and services,
109 | and facilities and services incidental or related thereto, in
110 | order to meet all types of health needs, and pursuant thereto to
111 | have the broadest flexibility to involve public and private
112 | persons, for profit and not for profit, in the establishment,
113 | maintenance, and operation of such facilities and services so as
114 | to provide the board of commissioners with the greatest
115 | flexibility permitted by the State Constitution to establish,
116 | maintain, and operate, alone or in conjunction with other public
117 | or private persons, not for profit and for profit, such health
118 | facilities and services, and facilities and services related or
119 | incidental thereto, which in the sole judgment of the board of
120 | commissioners are responsive to the health needs of the district
121 | and are in the public interest.

122 | Section 5. Four of said commissioners shall constitute a
123 | quorum, and a vote of at least three of the commissioners shall
124 | be necessary to the transaction of any business of the district.
125 | The board may permit any or all commissioners to participate in

126 | a regular committee or special meeting or workshop by, or
127 | conduct the meeting through the use of, any means of
128 | communication media technology by which all commissioners have a
129 | reasonable opportunity to communicate and hear the proceedings
130 | of the meeting and to vote, substantially concurrent with such
131 | meeting. Public meetings held using communications media
132 | technology shall be conducted in accordance with Florida's
133 | Government in the Sunshine Law. Participating commissioners
134 | shall be deemed to be present in person at the meeting for
135 | quorum and all other purposes. For the purposes of complying
136 | with the applicable provisions of chapter 189, Florida Statutes,
137 | and pertaining to meetings of the governing body of the hospital
138 | district being held in a public building within the hospital
139 | district, the hospital district shall continue to provide a
140 | physical location within its district wherein all participants
141 | may simultaneously hear each other during meetings, unless there
142 | is a declared public health or other emergency in which the need
143 | for a public location can be suspended during the pendency of
144 | declared emergency. The commissioners shall cause true and
145 | accurate minutes and records to be kept of all business
146 | transacted by them, and shall keep full, true, and complete
147 | books of account and minutes, which minutes, records, and books
148 | of account shall at all reasonable times be open and subject to
149 | the inspection of inhabitants of the district; and any person
150 | desiring to do so may make or procure a copy of the minutes,

151 records, or books of account, or such portions thereof as he may
152 desire.

153 Section 7. Without in any way limiting the powers set
154 forth in section 4, the board of commissioners is hereby
155 authorized and empowered to acquire, own, establish, develop,
156 construct, lease, equip, operate, manage, and maintain within
157 and outside the district boundaries, such hospital or hospitals,
158 public facilities, and other health facilities, and facilities
159 or programs of any type or scope as in their opinion are
160 necessary for the use, needs, or welfare of the people of the
161 district or the inhabitants of the state, and to acquire, own,
162 establish, develop, construct, lease, equip, operate, manage,
163 and maintain such facilities for the care of such persons
164 requiring ~~limited~~ medical care or treatment as in their opinion
165 is necessary for the use, needs, or the welfare of people of the
166 district or the inhabitants of the state. The Legislature finds
167 that, regardless of where such hospital or hospitals, public
168 facilities, other health facilities, and facilities or programs
169 of any type or scope are located, the development and operation
170 by the district of such facilities and programs for the delivery
171 of health care or related services provides a valid public
172 purpose; delivers valuable public benefits; serves the public
173 interest; and benefits, directly or indirectly, the inhabitants
174 of the state, residents or nonresidents of the district,
175 surrounding communities, or underserved, indigent, uninsured and

176 sick persons throughout the state, and visitors.

177 (a) Within the boundaries of the district, such ~~The~~
178 hospital or hospitals, public facilities, other health
179 facilities, and facilities or programs of any type or scope for
180 ~~limited~~ care and treatment shall be acquired, owned,
181 established, developed, constructed, leased, equipped, operated,
182 managed, and maintained by the board of commissioners for the
183 preservation of the public health, for the public good, and for
184 the use of the public of the district; and maintenance of the
185 hospital or hospitals, other health facilities, and facilities
186 for limited care and treatment within the district is hereby
187 found and declared to be a public purpose and necessary for the
188 preservation of the public health, for public use, and for the
189 welfare of the district and inhabitants thereof.

190 (b) Notwithstanding any other provision of this act or
191 chapter 189, Florida Statutes, to the contrary, such hospital or
192 hospitals, other health care facilities, and facilities or
193 programs of any type or scope, may be acquired, owned,
194 established, developed, constructed, leased, equipped, operated,
195 managed, and maintained beyond the boundaries of the district,
196 by the board of commissioners.

197 (c) The location and legal form and structure of such
198 hospital or hospitals, public facilities, other health
199 facilities, and facilities or programs of any type or scope ~~for~~
200 ~~limited care and treatment~~ shall be determined by the board.

201 (d) The board is authorized, if it deems it advisable, to
202 create a legal form and structure involving the participation of
203 other entities or persons, whether by ownership or otherwise,
204 and place facilities or programs authorized under this section
205 or this act in a separate entity of which the district has an
206 ownership or other interest, so as to not be designated as
207 public property or otherwise subject to the requirements of s.
208 10, Art. VII of the State Constitution.

209 (e) It is the express intent of the Legislature that any
210 revenues received by the district from any ad valorem tax or
211 non-ad valorem special assessment levied by the district be used
212 solely toward hospitals, health care facilities, or health care
213 services or programs within the district. Accordingly, the
214 district is expressly prohibited from directly using any
215 revenues received by the district from any ad valorem tax or
216 non-ad valorem special assessment levied by the district on
217 property located within the district for any purpose outside the
218 boundaries of the district.

219 (f) Further, the district is expressly authorized to
220 continue to acquire, own, establish, develop, construct, lease,
221 equip, operate, manage, and maintain all facilities and services
222 in which the district was engaged as of January 1, 2020.

223 Section 28. That the levy by said board of the taxes
224 authorized by any provision of this act shall be by resolution
225 of said board duly entered upon the minutes of the board.

226 Certified copies of such resolution executed in the name of the
227 board by its chair, under its corporate seal, shall be made and
228 delivered to the Board of County Commissioners of Broward County
229 and to the Chief Financial Officer ~~not later than the 15th day~~
230 ~~of June of~~ each and every year in accordance with the
231 requirements provided by general law. It shall be the duty of
232 the County Commissioners of Broward County to order and require
233 that the County Property Appraiser of said county to assess, and
234 the County Tax Collector of said county to collect the amount of
235 taxes so assessed or levied by the Board of Commissioners of
236 said South Broward Hospital District upon the taxable property
237 in said district, not exempt by law, at the rate of taxation
238 adopted by said board of commissioners of said district for said
239 year and include in the warrant of the property appraiser and
240 attach to the assessment roll of taxes for said year and
241 included in the warrant of the property appraiser and attach to
242 the assessment roll of taxes for said county each year. The tax
243 collector shall collect such tax so levied by said board in the
244 same manner as other taxes are collected, and shall pay the same
245 over to the Board of Commissioners of South Broward Hospital
246 District within the time and in the manner prescribed by law for
247 the payment by the tax collector of county taxes to the county
248 depository. It shall be the duty of the Florida Department of
249 Revenue to assess and levy on all the railroad lines and
250 railroad property situated or located in said district,

251 including as well all telephone lines. The amount of each said
252 levy of each said county or state taxes and the said taxes shall
253 be assessed by the same officer respectfully as are county taxes
254 upon such property, and such taxes shall be remitted by the
255 collecting officer to the Board of Commissioners of South
256 Broward Hospital District. All such taxes shall be held by said
257 board of commissioners and paid out by them as provided in this
258 act. The board is authorized to pay necessary expenses to the
259 aforementioned officers for the assessment and collection of taxes
260 on a reasonable fee basis.

261 Section 2. If any section, paragraph, sentence, clause,
262 phrase, or other part of this act is declared unconstitutional,
263 or if this act is declared inapplicable in any case, such
264 declaration does not affect the remainder of this act or the
265 applicability thereof in any other case. It is intended that the
266 provisions of this act shall be liberally construed for
267 accomplishment of the work authorized, provided for, and
268 intended to be provided by this act. For any words, phrases,
269 clauses, classifications, or any part of this act or previous
270 enactments which require utilizing rules of statutory
271 interpretation, it is the intent of the Legislature that the
272 most expansive, liberal, and least restrictive construction be
273 adopted and utilized, and to acknowledge that the absence of
274 express language is not meant to be an inference or limitation
275 to the accomplishment of the stated and implied governmental,

HB 1493

2021

276 | corporate or proprietary powers.

277 | Section 3. This act shall take effect upon becoming a law.